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For making more effectual Provision for the supplying of Cities and Market Towns in *Ireland* with Water.

Note.—The Figures in the Margin denote the Number of the Folios in the written Copy.

WHEREAS an Act was passed in *Ireland* in the Twentyninth Year of the Reign of His present Majesty, intituled, **“An Act for the better supplying the Inhabitants of certain Cities and Towns with Water:”**

Preamble.
29 Geo. III.

And whereas an Act was passed in *Ireland* in the Thirty-fourth Year of the Reign of His present Majesty, to explain and amend the said recited Act:

34 Geo. III.

And whereas the Provisions and Regulations in the hereinbefore recited Acts have been found insufficient, and it is necessary to make further Provisions for the better and more effectually supplying Cities and Market Towns in *Ireland* with Water;

Provisions,
&c. of former
Acts, insuffi-
cient.
Other Pro-
visions neces-
sary.

May it therefore please Your MAJESTY,

That it may be Enacted; **And be it Enacted** by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Grand Jury of every County, County of a City, or County of a Town in *Ireland*, to appoint, by Presentment, any Persons to be Commissioners for the Purpose of supplying any City or Market Town in *Ireland*

Grand Juries
to appoint,
by Present-
ment, Com-
missioners.

Commissioners to direct the Line of Watercourse &c.

Money to be raised on the Barony, &c.

Presentment to describe the Measure-ment of Work to be done.

No Money to be pre-ferred, unless an Affidavit is made of the Expence of the Work.

Ireland with Water, and also to lay out, order, and direct any Watercourse, Cut, Drain, Ditch, Trench, Dam, Balon, or Reservoir, to be made in the most convenient Line for the Purpose of conveying Water to such City or Town; and also to raise, either on the Barony in which such City or Town is situated, or the County at large, such Sum or Sums of Money as they shall think necessary for the Completion thereof: Provided always, that the said Presentment shall describe and ascertain the Breadth and Number of Perches in Length of such Watercourse or other Work as aforesaid, and also the Towaland, and Places through which the same shall run, according to a Map and Estimate to be annexed to the Affidavit upon which the said Presentment shall be grounded: Provided also, that no Money shall be so presented for making or repairing any such Watercourse or other Work as aforesaid, unless an Affidavit shall be previously made by Two credible Persons who can read and write, before any Justice of the Peace, who is hereby empowered to administer the same in the following Form:

Oath.

" County of } " A. B. of

} " and C. D. of

do swear

" That they have lately measured the intended Watercourse

" [or, other Work, as the Case may be] from

" to between and all in the Barony

" of in the said County, and that it will require

" the Sum of sufficiently to repair and

" make the said Watercourse or other Work, at the Rate

" of by the Perch, which they verily believe

" is the least the said Watercourse or other Work can be

" sufficiently made or repaired for."

Clerk of the Crown to file Affidavit.

No Money to be paid until an Affidavit is made of the Completion of the Work.

Which Affidavit the Clerk of the Crown of such County is hereby required to file, and keep amongst the Records of such County; and that no Money shall be paid on Account of any such Parchment by the Treasurer of any County until the Affidavit of One of the Commissioners appointed by the Grand Jury, sworn before any Justice of the Peace for the said County, in the following Form, shall be allowed by the Grand Jury, and by the Judges of Assize:

Oath.

" County of } " Whereas the Sum of

} " was presented by the Grand Jury of the said County

" of at in the Year

" to be expended in making or repairing Perches of

" Watercourse [or, other Work, as the Case may be] from

" to between and

" being at the Rate of by the Perch: Now

" I of One of the Commissioners

" appointed by the Grand Jury for the said Work, do swear,

" That I have faithfully and honestly expended the Sum of

" in making or repairing Perches of

" the said Watercourse [or, other Work, as the Case may be]

" and

" and that the said Perches were effectually made
 " or repaired by me as aforesaid; which Sum, with my
 " Wages at a Perch, amount in the Whole to
 " the Sum of : "

Which Affidavit the Clerk of the Crown for the County where the same shall be made is hereby required to file, and keep amongst the Records of the said County.

Affidavit to be filed.

Provided always, and be it Enacted, That no Part of such Watercourse or other Work to be done by virtue of this Act, shall be made through the Deer Park of any Person, or through the House, Offices, Gardens, or Orchards of Six Years Growth, of any Person who inhabits a House built with Lime and Stones, or Bricks, unless the Consent of such Person be first obtained.

Works not to be carried through the Deer Park, &c. of any Person without their Consent.

And be it Enacted by the Authority aforesaid, That no Part of such Watercourse or other Work to be done by virtue of this Act, shall be made in or through the Ground of any Person against the Consent of the Owner or Occupier, unless it shall first appear to the Grand Jury, and to the Judge of Assize, that Notice hath been given to the Treasurer of such County in Writing, and posted upon the Door of the County Court House by him, or some Person employed by him, Seven Days at least previous to the Assizes aforesaid, which Notice shall set forth that Application is intended to be made to the Grand Jury of such County for a Presentment to make a new Watercourse or other Work as aforesaid, through the Lands of

Notice of Application for a Presentment to be made to the Treasurer of the County.

distinguishing each Townland, and the Barony through which the said new Watercourse or other Work is intended to be made; and also that another such Notice hath been left with the Owner or Occupier of the Land through which such new Watercourse or other Work is intended to be made, or at the House of such Owner or Occupier, at least

Distinguishing each Townland.

Notice also to the Owner and Occupier.

Days previous to the Assizes aforesaid, and that a Map of such new Watercourse or other Work hath been also left with the Treasurer, in order that such Map may be inspected by any Person whom it may concern; and if the Owner or Occupier of any Part of the Land through which such new Watercourse or other Work is intended to be made, or any Freeholder of the County, shall think himself or herself aggrieved by such Presentment, such Owner, Occupier, or Freeholder, may enter One or more Traverse or Traverses to such Presentment, which Traverse or Traverses shall be tried at the then present Assizes aforesaid, unless good Cause shall be shewn to the contrary, in which Case the said Traverse or Traverses shall be tried at the next Assizes; and the Jury to try the same shall assess sitting Damages to the Owner or Occupier for the Loss to be sustained thereby, which Verdict shall be conclusive to such Owner or Occupier; and the Commissioner or Commissioners for such new Watercourse or other Work, may thereupon begin and finish the same without the Interruption of any Person; and that it shall be

Owner, Occupier, or Freeholder, may traverse.

Damages assessed by Jury, conclusive.

lawful

Affessment
for Damages
to be raised
on Barony,
&c.

lawful for the Grand Jury of such County, by Presentment, to raise the Sum so assessed for Damages either on the Barony or County at large.

Commissioners
hereby
appointed,
vested with
like Powers
as former
Commissioners.

And be it further Enacted, That the Commissioners to be appointed in Manner aforesaid, for the Purposes of this Act, shall have the like Powers, Controul, and Management, as are by the said Two recited Acts vested in the Commissioners thereby appointed.

Not to extend to Places
where particular Acts
are in force.

Provided always, and be it Enacted, That nothing herein contained shall extend to any City or Town Corporate, for the supplying of which with Water any Act of Parliament is now in force.

(Presenting)

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supplying of Cities and Market Towns in
Ireland with Water.

Ordered to be printed 24 May 1804.

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